

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN J. HAYES,	)	
	)	
Plaintiff,	)	Civil Action No. 17-1327
	)	District Judge Arthur J. Schwab
v.	)	Magistrate Judge Maureen P. Kelly
	)	
ROBERT GILMORE, <i>Facility Manager SCI</i>	)	Re: ECF No. 86
<i>Greene, et al,</i>	)	
	)	
Defendants.	)	

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MS. S. HAYES,	)	
	)	
Plaintiff,	)	Civil Action No. 20-1136
	)	District Judge Arthur J. Schwab
v.	)	Magistrate Judge Maureen P. Kelly
	)	
MARK ZAKEN, <i>Superintendent SCI -Greene,</i>	)	Re: ECF No. 48
et al,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER DENYING MOTION FOR ARBITRATION HEARING**

Plaintiff Ms. S. Hayes<sup>1</sup> has filed a Motion for Arbitration Hearing for Breach of Settlement Agreement in the above-captioned actions. See No. 17-1327 (ECF No. 86); No. 20-1136 (ECF No. 48). These actions were dismissed with prejudice on May 12, 2021, in accordance with the terms of the Joint Stipulation of Dismissal with Prejudice entered on the docket on May 11, 2021. As explained below, this Court is without jurisdiction over Plaintiff's current dispute with the Pennsylvania Department of Corrections arising out of his interpretation of the parties' settlement agreement. Thus, the Motion for Arbitration Hearing is denied.

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<sup>1</sup> Plaintiff refers to herself as Ms. S. Hayes in the pending Motion at No. 17-1327. Accordingly, the Court refers to Plaintiff by her preferred name for purposes of this Order.

Plaintiff contends that the Pennsylvania Department of Corrections is transferring him to a new facility against his will in violation of the terms of the parties' settlement agreement. Id. He claims that the transfer is based upon a false misconduct, and that the decision to transfer him is retaliatory and constitutes a violation of his due process rights. Id. He further asserts that the current dispute resulted in a recent suicide attempt. Thus, Plaintiff requests that the Court schedule an emergency video arbitration of his claims within thirty days, to be conducted by District Judge J. Nicholas Ranjan.<sup>2</sup> Id.

"The [United States] Supreme Court has held that when a 'district court dismisses an action pursuant to a settlement agreement, that court lacks jurisdiction to enforce that settlement agreement unless the obligation of the parties to comply with the settlement agreement is made part of the dismissal order or there is an independent basis for exercising jurisdiction.'" Dominion Dev. Grp., LLC v. Beyerlein, 774 F. App'x 757, 759 (3d Cir. 2019) (quoting In re Phar-Mor, Inc. Sec. Litig., 172 F.3d 270, 273 (3d Cir. 1999), and citing, Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375 (1994)). Neither basis for jurisdiction is present here.

Upon the settlement of this action, the parties executed a Joint Stipulation of Dismissal with Prejudice. See No. 17-1327 (ECF No. 84); No. 20-1136 (ECF No. 40). The Stipulation does not incorporate a provision that the Court shall retain jurisdiction for enforcement of the settlement agreement and the Text Order approving the Stipulation of Dismissal is silent as to the obligation of the parties to comply with the agreement as a precondition of dismissal. Thus, any issue regarding the parties' long-term compliance with the settlement agreement is not properly before this Court. See Dominion Dev. Grp., 774 F. App'x at 760 n.12 (citing Kokkonen, 511 U.S. at 378 ("Enforcement of the settlement agreement, however, whether through award of damages or

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<sup>2</sup> Judge Ranjan presided over the judicial settlement conference that resulted in the successful global resolution of Plaintiff's then-pending claims.

decree of specific performance, is more than just a continuation or renewal of the dismissed suit, and hence requires its own basis for jurisdiction.”)).

Accordingly, this 11<sup>th</sup> day of July, 2022, IT IS HEREBY ORDERED that Plaintiff’s Motion for Arbitration Hearing for Breach of Settlement Agreement is DENIED.

BY THE COURT:

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: The Honorable Maureen P. Kelly  
United States Magistrate District Judge

All counsel of record via ECF

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